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State Water Resources Control Board



Gray Davis
Governor

Division of Water Rights

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Division of Water Rights: <http://www.waterrights.ca.gov>

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31369

DATE FILED: November 4, 2002

Notice is hereby given that Chino Basin Watermaster has filed an application for a water right permit for diversion of water from Deer Creek, Day Creek, Etiwanda Creek, San Sevaine Creek, Chino Creek, San Antonio Creek and Cucamonga Creek, tributary to Santa Ana River in San Bernardino and Riverside Counties. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights (Division) web-site at www.waterrights.ca.gov. Any correspondence to the applicant shall be mailed to:

Chino Basin Watermaster
c/o Michael Fife
Hatch & Parent
21 E. Carrillo Street
Santa Barbara, CA 93101

Special Note: Pursuant to the Division's consolidation order dated January 24, 2003, the protest period for related Applications 31165 of San Bernardino Valley Municipal Water District and Western Municipal Water District and 31174 of Orange County Water District is extended to the close of the protest period for this application. In addition to other requirements, protestants should specify which objections in the protest apply to which applications.

DESCRIPTION OF THE PROJECT

On July 2, 2002 the SWRCB adopted Order WR 2002-0006 amending SWRCB Order WR 98-08 (Declaration of Fully Appropriated Streams) to allow for the processing of this application.

The applicant proposes to divert to underground storage 97,000 acre-feet of water for the purposes of industrial, irrigation, stockwatering (dairy use), and municipal use. The project will utilize an existing system of channels, diversion structures and percolation basins designed to capture storm flows and recycled water flows in the Chino Basin. Additional recharge facilities are also proposed to be constructed in the upper half of the Chino Basin.

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."
Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

According to Water Code section 1348, a minor project diverts less than or equal to 3 cubic feet per second (cfs) by direct diversion or 200 acre-feet (af) per year by storage. A major project diverts greater than 3 cfs by direct diversion or 200 af per year by storage. **This is a "major" project (greater than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code.**

APPLICATION INFORMATION

The applicant proposes to divert water to underground storage at the following facilities:

San Antonio Creek System

Point of Diversion (POD) #1 ("College Heights" and "Upland Basin"): San Antonio Creek Channel tributary to Chino Creek, thence Santa Ana River, thence Pacific Ocean. The Point of Diversion is located within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T1S, R8W, SBB & M.

POD#2-6 ("Montclairs"): Unnamed stream tributary to San Antonio Creek Channel, thence Chino Creek, thence Santa Ana River thence Pacific Ocean. The Points of Diversion 2 & 3 are located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15. Points of Diversion 4 & 6 are located within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15. Point of Diversion 5 is located within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15. All PODs are within T1S, R8W, SBB & M.

POD#7 ("Brooks"): San Antonio Creek Channel tributary to Chino Basin Creek thence Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, T1S, R8W, SBB & M.

Cucamonga Creek System

POD#8 ("8th Street"): Unnamed stream tributary to Cucamonga Creek thence Mill Creek, thence Santa Ana River, thence Pacific Ocean. The Point of Diversion is located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17, T1S, R7W, SBB & M.

POD#9 ("7th Street"): Unnamed stream tributary to Cucamonga Creek thence Mill Creek, thence Santa Ana River, thence Pacific Ocean. The Point of Diversion is located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17, T1S, R7W, SBB & M.

POD#10 ("Ely Basin" and "Grove Street"): Unnamed stream tributary to Cucamonga Creek thence Mill Creek, thence Santa Ana River, thence Pacific Ocean. The Point of Diversion is located within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, T1S, R7W, SBB & M.

POD#11 ("Turner No. 1"): Unnamed stream tributary to Cucamonga Creek thence Mill Creek, thence Santa Ana River, thence Pacific Ocean. The Point of Diversion is located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, T1S, R7W, SBB & M.

Deer Creek System

POD#12 ("Turner Nos. 2, 3 & 4"): Unnamed stream tributary to Cucamonga Creek thence Mill Creek, thence Santa Ana River, thence Pacific Ocean. The Point of Diversion is located within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, T1S, R7W, SBB & M.

POD#13 ("Turner Nos. 5, 8 & 9"): Unnamed stream tributary to Cucamonga Creek thence Mill Creek, thence Santa Ana River, thence Pacific Ocean. The Point of Diversion is located within the NE $\frac{1}{4}$ of

NW¼ of Section 23, T1S, R7W, SBB & M.

Day Creek System

POD#14 ("Lower Day"): Day Creek tributary to Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the NE¼ of NE¼ of Section 31, T1N, R6W, SBB & M.

POD#15 ("Wineville"): Unnamed stream tributary to Day Creek thence Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the SE¼ of NE¼ of Section 31, T1S, R6W SBB & M.

POD#16 ("Riverside"): Unnamed stream tributary to Day Creek thence Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the SE¼ of NE¼ of Section 31, T1S, R6W, SBB & M.

POD#30 ("Etiwanda Conservation Ponds"): Unnamed stream tributary to Day Creek thence Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the NW¼ of NW¼ of Section 21, T1S, R6W, SBB&M.

Etiwanda Creek System

POD#17 ("Etiwanda Spreading Grounds"): East Etiwanda Creek tributary to Santa Ana River thence Pacific Ocean. The point of Diversion is located within the SW¼ of NE¼ of Section 21, T1N, R6W, SBB & M.

POD#18 ("Etiwanda Debris Basin"): Unnamed Stream tributary to East Etiwanda Creek thence Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the SW¼ of SE¼ of Section 21, T1N, R6W, SBB & M.

San Sevaine Creek System

POD#19 ("San Sevaine Nos. 1 & 2"): San Sevaine Canyon tributary to Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the NE¼ of NE¼ of Section 27, T1N, R6W, SBB & M.

POD#31 ("Unnamed Channel"): San Sevaine Canyon tributary to Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the NE¼ of NE¼ of Section 27, T1N, R6W, SBB & M.

POD#20 ("Rich Basin"): San Sevaine Canyon tributary to Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the NE¼ of NE¼ of Section 27, T1N, R6W, SBB & M.

POD#21-24 ("San Sevaine Nos. 3, 4 & 5"): San Sevaine Canyon Tributary to Santa Ana River thence Pacific Ocean. Point of Diversion #21 is located within the SW¼ of NE¼ of Section 23, T1N, R6W, SBB& M. Point of Diversion #22 is located within the SE¼ of NE¼ of Section 27, T1N, R6W SBB & M. Points of Diversion #23 and 24 are located within the SE¼ of NE¼ of Section 27, T1N, R6W, SBB & M.

POD#25 ("Victoria Basin"): Unnamed Stream tributary to San Sevaine Canyon thence Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the SW¼ of NW¼ of Section 34, T1N, R6W, SBB & M.

POD#26 ("Hickory Basin"): San Sevaine Canyon tributary to Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the SE¼ of SW¼ of Section 10, T1S, R6W, SBB & M.

POD#27 ("Jurupa Basin"): San Sevaine Canyon tributary to Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the SW¼ of SE¼ of Section 28, T1S, R6W, SBB & M.

Declez Channel System

POD#28 ("Former RP3 Site"): Unnamed Stream tributary to San Sevaine thence Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the SE¼ of NE¼ of Section 35, T1S, R6W, SBB & M.

POD#29 ("Declez Basin"): Unnamed Stream tributary to San Sevaine thence Santa Ana River thence Pacific Ocean. The Point of Diversion is located within the NE¼ of NW¼ of Section 3, T2S, R6W, SBB & M.

The diversion and place of use are located within the Counties of San Bernardino and Riverside.

Amount of water applied for: 97,000 af per year (Storage).

Water will be used for: Municipal, Industrial, Irrigation, Stockwatering (General Dairy Use).

The applicant has requested to divert water from: July 1 thru June 30.

Place of Use is within the boundaries of the Chino Basin Watermaster.

ENVIRONMENTAL INFORMATION

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information, which indicates that the project may cause a significant effect on the environment, please send this information to Ms. Jane Farwell, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROCEDURE FOR SUBMITTING PROTESTS

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the Division's web-site at www.waterrights.ca.gov/forms/, but can be submitted in letter form. A pamphlet that provides additional information relating to water rights and the procedure for filing protests can be obtained from the contact person listed below. The protest should be submitted to:

Mitchell Moody
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

In addition, the protestant must send a copy of the protest to the applicant.

Protests filed in response to this notice must either be postmarked, faxed to (916) 341-5400, or hand-delivered to the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14th Floor, Sacramento, CA) **by 3:00 p.m.** on the **60th day** after the date of this notice (the close of the protest period). If you choose to fax the protest due to the constraints of the noticing period, the fax must be followed by timely delivery of an original copy, either personally or by mail, to the Division of Water Rights in order for the

protest to be accepted. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below to request the extension prior to the end of the protest period. The SWRCB will respond to all protests within 60 days of the final day to file a protest.

PROTEST REQUIREMENTS

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

RESOLUTION OF PROTESTS

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) can not be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of the protest forms or pamphlet, please contact Mitchell Moody by phone at (916) 341-5383 or by electronic mail at mmoody@waterrights.swrcb.ca.gov. Protest forms and a copy of the January 24, 2003 consolidation order may also be obtained from the Division's website at www.waterrights.ca.gov.

DATE OF NOTICE: 1-31-03